

it treated at no cost if the daughters developed a certain type of cancer of the vagina or cervix at any time before they are 70.

"Under the legislation under consideration, it is unlikely that any DES mother or child would have been able to recover any damages," Mink said.

Bilbray has not been as eager to discuss his experience. "It's not something I prefer to talk about," he said after a House Commerce Committee meeting last month. But that's what Bilbray did when the committee drafted its version of the product liability bill.

"Women and children are dying as a result of existing laws," Bilbray told his colleagues at the drafting session. "Products that are needed are being pulled off the shelves because of lawsuits." Some people may think lawsuits may make all the pain better, he said. But, he added, "please do not think there's any amount of money that's ever going to pay a parent back by never being able to hug their child."

"Listening to all these members stand up and talk about how consumer products have done all these terrible things, it was like a knife cutting into me \* \* \* Sometimes you just have to stand up and scream," he said in an interview afterward.

#### KEY FACETS OF THE LEGISLATION

Product liability legislation to be considered by the House would:

Preempt state laws and set a national standard for product liability lawsuits.

Bar any lawsuit for damage incurred from products more than 15 years old unless they cause a chronic illness, such as cancer caused by asbestos or DES.

Limit punitive damages to the greater of \$250,000 or three times the economic damages.

Require "clear and convincing evidence" that a manufacturer either intended to cause harm or acted with conscious, flagrant indifference for punitive damages.

Bar damages if the person bringing the suit was intoxicated or under the influence of drugs when the harm occurred and if alcohol or drug use was the principal cause of the accident.

Make retailers liable only if they engaged in intentional wrongdoing, negligence or if the product failed to comply with an express warranty made by the retailer. The retailer also would be liable if the manufacturer went bankrupt or could not be sued in the claimant's state.

Sanction attorneys for filing frivolous pleadings in product liability actions.

Separate legislation would require the loser of any lawsuit to pay the winner's legal costs if the loser rejected a settlement before the jury verdict. Even if a jury found in favor of the person bringing the suit, that person could still be required to pay the other side's legal fees if the jury award is less than a rejected settlement.

Ten years ago, Bilbray's wife had to go into the intensive care unit "when she couldn't get access to the drug she desperately need," he said.

In three earlier pregnancies in a previous marriage, Karen Bilbray had taken a drug called Bendectin to control severe morning sickness. But in 1984, when she was pregnant with Bilbray's child, Bendectin was no longer available.

The manufacturer, Merrell Dow Pharmaceuticals Inc., had removed the drug from the market after several women successfully sued the company, alleging that the drug produced birth deformities. Even though scientific data never proved it was harmful, Merrell stopped selling the drug.

"My wife was not allowed to make a decision on what she wanted to put into her body; it was made by a lawyer suing, maybe

well-intentioned but misguided and very critical to her well-being," Bilbray said.

Without Bendectin, Bilbray's wife became so sick she went into shock, he said. "If it wasn't for a doctor willing to take the risk [and give her some Bendectin], I probably would have lost her." A son, Brian, was born several months later, to live only three months before he died of crib death. Bilbray is convinced that the trauma of his wife's first three months of pregnancy contributed to the child's death.

"People are going to suffer no matter what you do" to reform the civil justice system, Bilbray said. But Congress "needs to be more sensitive to the damage that these lawsuits create by denying benefits" to people who may need them.

#### PERSONAL EXPLANATION

##### HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 9, 1995*

Mr. ABERCROMBIE. Mr. Speaker, on Wednesday, March 8, 1995, I was meeting with a group of high school students—who traveled to Washington, DC, from the State of Hawaii—in a part of the Capitol where the voting bells could not be heard and missed roll-call vote No. 210. I want the RECORD to show that had I been present I would have voted "nay" on rollcall vote No. 210, the Cox substitute amendment to the Eshoo amendment.

#### TRIBUTE TO WILLIAM MEEHAN

##### HON. ROBERT T. MATSUI

OF CALIFORNIA

##### HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 9, 1995*

Mr. MATSUI. Mr. Speaker, we rise today to pay tribute to Mr. William Meehan, a native Californian who has devoted his professional career to the preservation and growth of labor's health in this great State.

In the many years Mr. Meehan has been a major force in the labor realm, both of our offices have relied on his expertise and counsel. We join with the scores of colleagues who salute the outstanding leadership you have given to the Sacramento-Sierra's Building and Construction Trades Council and to the Sacramento Central Labor Council.

In an era of shrinking resources, Mr. Meehan has been one of Sacramento's great defenders, ensuring jobs for thousands of men and women throughout the region.

Not only has Mr. Meehan been an outstanding defender of the labor force, but we would be remiss in not commending his steadfast support of this entire community. The list of political, charitable, and labor related organizations with which he has aligned himself reflects the great character all leaders strive to achieve. An abbreviated list of organizations who are indebted to his leadership and hard work include the Greater Sacramento Area Plan, Labor and Business Alliance, Sacramento Water Intelligently Managed, Private Industry Council, Auburn Dam Council, Friends of Light Rail, American Red Cross,

Sacramento Employment Training Agency, Harps, National Toxics Coalition, United Way, Hundred Dollar Club, Sacramento Metropolitan Chamber of Commerce, and the Sacramento Fire Board.

Truly, Sacramento is a better place to work and live thanks to what we hope is only the first half of Mr. Meehan's career. As he begins to undertake his latest challenge for the Painter's International, we ask our colleagues to join us in wishing him continued happiness and success.

#### HOPALONG CASSIDY FAN CLUB PROCLAMATION—THE CITY OF CAMBRIDGE IN THE STATE OF OHIO

##### HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 9, 1995*

Mr. NEY. Mr. Speaker, I submit the following proclamation from the city of Cambridge in the State of Ohio.

Whereas, the Hopalong Cassidy Fan Club has contributed untold volunteer hours in building character, citizenship, and leadership in this community; and,

Whereas, the Hopalong Cassidy Fan Club is celebrating the 100th birthday of Hopalong Cassidy on June 5, 1995; and,

Whereas, members have made in kind contributions of service, financial contribution to the Cambridge area, contribution to the Park School, and to other important needs of the community; and,

Whereas, the local Hopalong Cassidy Fan Club has extended the interest of Hopalong Cassidy within this community; and,

Whereas, the members of schools, churches, service clubs, union organizations, and others have been members of the Hopalong Cassidy Fan Club; and,

Whereas, the city of Cambridge and all the surrounding areas of Ohio are better places to live because of Cambridge's Hopalong Cassidy Fan Club, we join in the celebration of the 100th birthday of Hopalong Cassidy on the fifth day of June in 1995.

#### SECURITIES LITIGATION REFORM ACT

SPEECH OF

##### HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 8, 1995*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1058) to reform Federal securities litigation, and for other purposes.

Mr. LaFALCE. Mr. Chairman, I rise today to state my reluctant opposition to this bill, for I had hoped it would be adequately amended so that I could support it. Instead, I must comment on several serious issues that yet remain to be addressed with this legislation.

This week's so-called tort reform legislation consists of three bills, addressing in turn civil litigation, securities litigation, and product liability. In each case, I believe the proponents of the bill have recognized a real problem, but have attempted to write into law remedies that